

ACT, Inc. v. Worldwide Interactive Network, Inc.
U.S. District Court for the Eastern District of Tennessee
Case No. 3:18-cv-00186-TRM-HBG

EXHIBIT D

**PLAINTIFF AND COUNTER-DEFENDANT ACT, INC.'S
OPPOSITION TO MOTION TO DE-DESIGNATE**

From: [Yasamin Parsafar](#)
To: [W. Kyle Carpenter](#); [Jake Horton](#); [Raymond E. Stephens](#); [Chad Hatmaker](#); [Robert Pitts](#)
Cc: [Laura Chapman](#); [Brittany Walter](#); [Rishi Gupta](#); [Mary Tom-Hum](#)
Subject: RE: Nolte's Expert Report
Date: Thursday, August 22, 2019 12:19:49 PM

Kyle –

ACT maintains as AEO its financial information included in Nolte's report.

We propose that both sides mutually exchange a redacted version of the report that can be shared with the other party.

Please let us know if you agree to do this, and by when you can do this.

Thank you,

Yasamin

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From: W. Kyle Carpenter <kcarpenter@wmbac.com>
Sent: Thursday, August 15, 2019 12:59 PM
To: Yasamin Parsafar <yparsafar@sheppardmullin.com>; Jake Horton <jhorton@pl-iplaw.com>; Raymond E. Stephens <rstephens@pl-iplaw.com>; Chad Hatmaker <chatmaker@wmbac.com>; Robert Pitts <rpitts@pl-iplaw.com>
Cc: Laura Chapman <LChapman@sheppardmullin.com>; Brittany Walter <BWalter@sheppardmullin.com>; Rishi Gupta <RGupta@sheppardmullin.com>; Mary Tom-Hum <MTom-Hum@sheppardmullin.com>
Subject: RE: Nolte's Expert Report

Yasamin,

In an effort to avoid any misunderstanding, our position is that the financial information from both parties relied upon and cited by Mr. Nolte, as well as his Report, should be reclassified from "Highly Confidential – Attorneys' Eyes Only," to "Confidential." If ACT agrees to that, our Motion to Compel De-Designation will be moot and we will, therefore, withdraw it. At that point, both sides should be free to share the Report with their respective clients.

Kyle

From: Yasamin Parsafar [<mailto:yparsafar@sheppardmullin.com>]
Sent: Tuesday, August 13, 2019 5:27 PM
To: W. Kyle Carpenter; Jake Horton; Raymond E. Stephens; Chad Hatmaker; Robert Pitts
Cc: Laura Chapman; Brittany Walter; Rishi Gupta; Mary Tom-Hum
Subject: Nolte's Expert Report

Counsel -

We are consulting with ACT regarding whether they will agree to de-designate Nolte's expert report to "confidential" if you agree to withdraw your motion to compel. Please confirm that:

1. We can share the report with our client, as we understand from your brief that your position is that none of the information in the report should be AEO; AND
2. If ACT agrees to de-designate Nolte's expert reports from "highly confidential-AEO" to "confidential," WIN will promptly withdraw its motion to compel de-designation

Thank you,

Yasamin

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